

PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/629,834	
	Filing Date	July 30, 2003	
	First Named Inventor	Leo STRAWCZYNSKI, et al.	
	Art Unit	2633	
	Examiner Name		
Total Number of Pages in This Submission	3	Attorney Docket Number	9-13528-194US

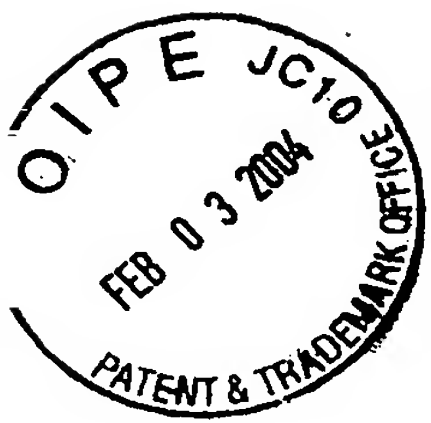
ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Kent Daniels, Reg. No. 44,206
Signature	<i>K. Daniels</i>
Date	January 28, 2004

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name			
Signature		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



File No.: 9-13528-194US

January 28, 2004

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant:** Leo Strawczynski, et al.  
**Serial No.:** 10/629,834  
**Filed:** July 30, 2003  
**Title:** DIGITAL PERFORMANCE MONITORING FOR AN  
OPTICAL COMMUNICATIONS SYSTEM  
**Agent of Record:** Kent Daniels **Tel:** (613) 780 8673

**Mail Stop DD**  
Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
U.S.A.

Sir:

**INFORMATION DISCLOSURE STATEMENT**  
**PRIOR TO FIRST OFFICE ACTION**

Pursuant to the duty of disclosure under 37 CFR 1.56, copies of the references (other than U.S. patents and U.S. published applications) listed on the attached PTO Form 1449 are submitted herewith.

The Examiner is kindly requested to consider these references during the examination of the above-identified application, making the references of record, and to return an initialed copy of the PTO-1449 Form to the below-signed agent.

In accordance with 37 CFR 1.97(h), the submission of the present information is not to be construed as an admission that such information is, or is considered to be material to patentability.

Respectfully submitted,  
Leo Strawczynski, et al.

By: K. Daniels  
Kent Daniels

Agent of Record, Registration No. 44,206  
OGILVY RENAULT  
1600 - 1981 McGill College Avenue  
Montreal, Quebec, Canada H3A 2Y3

Sheet 1 of 1

Form PTO-1449 (Rev.7-80)	U.S. Department of Commerce Patent & Trademark Office	ATTY. DOCKET NO. 9-13528-194US	SERIAL NO. 10/629,834
LIST OF REFERENCES CITED BY APPLICANT (Use several sheets if necessary)		APPLICANT Leo Strawczynski, et al.	
		FILING DATE: July 30, 2003	GROUP 2633

## U.S. PATENT DOCUMENTS

*Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date
	AA	5,513,029	Apr.30/96	Roberts	359	177	Jun.16/94
	AB	5,949,560	Sep.7/99	Roberts et al.	359	110	Feb.5/97
	AC	5,999,258	Dec.7/99	Roberts	356	345	Jun.26/97
	AD	6,128,111	Oct.3/00	Roberts	359	110	Dec.19/96
	AE	6,222,652	Apr.24/01	Roberts	359	110	Jun.20/97
	AF	6,252,692	Jun.26/01	Roberts	359	173	Jun.7/96
	AG	2002/012152	01/31/02	Agazzi, et al.	359	189	07/23/01
	AH	6,031,644	02/29/00	Utdumi	359	110	05/06/97
	AI	6,075,814	06/13/00	Yamano, et al.	375	222	05/09/97
	AJ						
	AK						

## FOREIGN PATENT DOCUMENTS

		Document number	Date	Country	Class	Subclass	Translation
	AL						
	AM						
	AN						
	AO						
	AP						

## OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

	AR	
	AS	
	AT	

Examiner	Date considered
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	